

CITY OF CALISTOGA

1232 Washington Street • Calistoga, CA 94515

707.942.2800

April 9, 2009



Ms. Trish Hornisher
County of Napa
Conservation, Development & Planning Dept.
1195 Third Street, Suite 210
Napa, CA 94559

RECEIVED

APR 13, 2009

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

RE: **Venge Winery** Use Permit Application (File No. P08-00647-UP)
4708 Silverado Trail
APN 020-350-038

Dear Ms. Hornisher:

This letter is in response to your referral on the Venge Use Permit application to establish a 20,000 gallon per year winery, associated buildings and wine cave at the above-referenced location. As you are aware, the project site is located within the City's Planning Area. Development in the Planning Area has the potential to impact physical and visual assets that are important to the City, so the opportunity to comment on this proposal is greatly appreciated. In consideration of current conditions and the broader goals, objectives and policies in the City's General Plan, the City respectfully requests that following be considered and/or required as a condition of project approval:

1. Prior to issuance of a building permit, the owner shall submit for the City of Calistoga's approval a Notice/Agreement acknowledging the presence and operation of the City's wastewater treatment plant and associated storage ponds and spray fields. The Notice/Agreement indemnifies the City of Calistoga regarding any claims resulting from the operation and maintenance of the wastewater treatment plant, storage ponds and spray fields. Said Notice/Agreement shall be recorded with the County Recorder prior to the commencement of use.

NOTE: *The City's preferred form for the Notice/Agreement has been attached to this memorandum. The executed notice must be notarized and accompanied with a legal description of the property.*

2. Post-development peak stormwater run-off discharge rates and velocities shall be controlled to maintain or reduce pre-development downstream erosion and to ensure that post-development runoff does not contain pollutant loads which have not been reduced to the maximum extent practicable.

3. The traffic study prepared for this project shall include an analysis on any impacts associated with use of the Silverado Trail/Highway 29 intersection. Any identified deficiencies shall be addressed through appropriate mitigation measures or conditions of approval.
4. County analysis on this project should include mitigation of housing needs associated with the employees to be generated by the operation of the proposed winery.
5. All access roads shall be in compliance with the 2007 California Fire Code (Appendix D, Table D, 103.4 and Section D102).

NOTE: *The City's Fire Chief strongly recommends against allowing exception to these standards.*

6. All portions of the buildings shall be equipped with an automatic sprinkler system.
7. All portions of the wine cave shall be equipped with an automatic sprinkler system.
8. The wine cave shall be equipped with an approved communication system.

We would also like to request that the City be included on the mailing list for all public notices pertaining to the preparation or availability of environmental documents prepared pursuant to the California Environmental Quality Act and for all public hearings held before the County Planning Commission and/or Board of Supervisors.

Please do not hesitate to contact me or Ken MacNab at (707) 942-2827, if you have any questions about these comments or would like additional information.

Respectfully,



Charlene Gallina,
Planning & Building Director

Attachment

cc: Dan Takasugi, Public Works Director
Steve Campbell, Fire Chief
Ken MacNab, Senior Planner
County Correspondence File

When recorded, mail to:

Venge Vineyards, Inc.
4708 Silverado Trail
Calistoga, CA 94515

City Clerk
1232 Washington Street
Calistoga, CA 94515

**NOTICE AND AGREEMENT REGARDING CITY OF CALISTOGA
WASTEWATER TREATMENT PLANT OPERATIONS**

The undersigned are owners of the real property in Napa County commonly known as 4708 Silverado Trail, Calistoga, California more particularly described on Exhibit A attached hereto, (hereinafter "property"). As a condition of approval for a Use Permit (the "Use Permit") to establish a winery and associated wine cave (P08-00647-UP), the applicant was required to record this Notice and Agreement. By recordation of this document, the undersigned gives Notice that:

1. The "property" is in close proximity to a wastewater treatment plant and associated storage ponds and sprayfields that are owned and maintained by the City of Calistoga. The "property" may experience noise and odors resulting from the normal operation and maintenance of the treatment plant, storage ponds and sprayfields.
2. During the time that the "property" is operated as a winery and during the time that private or public marketing activities are held on the "property", the undersigned and any successor holder of the "Use Permit" shall defend, indemnify and hold harmless the City or any of its boards, commission, agents, officers, and employees from any claim, action or proceeding brought by any customer, guest, patron or invites of the winery and its associated facilities claiming damage arising from the normal operation and maintenance of the wastewater treatment plant, storage ponds and sprayfields. The City shall properly notify the undersigned of any such claim, action, or proceeding. Nothing contained herein shall prohibit the City from participating in the defense of any such claim or proceeding provided the City bears its own attorney fees and costs.

DATED:

Erika Phillips

Diana Venge

Kirk Venge



A Tradition of Stewardship
A Commitment to Service

Conservation Development and Planning

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Napa, CA 94559
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Main: (707) 253-4417
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Hillary Gitelman
Director

May 29, 2009

Ms. Charlene Gallina
Planning & Building Director
City of Calistoga
1232 Washington Street
Calistoga, CA 94515

RE: Venge Winery Use Permit Application (File # P08-00647-UP)
4708 Silverado Trail; APNs: 020-350-038

Dear Ms. Gallina:

Thank you for your comments regarding the Venge Winery Use Permit application to establish a 20,000 gallon per year winery, with associated buildings and wine cave at the above referenced location. All the items outlined in your letter dated April 9, 2009, will be considered and/or required as conditions of approval should the Planning Commission approve the project. Below is a summary of responses to the concerns raised in your letter.

1. Notice/Agreement Wastewater Treatment Plant - The applicant has been informed as is currently in the process of completing the Notice/Agreement with the City of Calistoga acknowledging the presence and operation of the City's wastewater treatment plant and associated storage ponds and spray fields and thereby indemnify the City of Calistoga regarding any claims resulting from these operations.
2. Erosion Control - All County approved projects now include pre and post construction runoff management requirements. While the Planning Department has not yet received the final comments for this project, the County's Public Works Department will provide all appropriate site design Best Management Practices as required by the *Napa County Manual for Post-Construction Runoff Management Requirements* for inclusion into the project's standard conditions of approval.

These conditions would ensure all earth disturbing activities include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Stormwater Ordinance. Best Management Practices would also minimize dust at all times. The disposition of all cave spoils and associated grading would be specified and shown on the improvement plans along with proposed erosion control measures. Annual reporting may also be required to address on-site erosion control maintenance as well as to monitor post-development runoff volumes so as not to exceed pre-development run-off volume for the 2-year, 24-hour storm event.

3. Traffic Impacts - The Napa County Public Works Transportation engineer has reviewed traffic conditions in the area and the traffic impacts associated with the proposed project. Based on this review and the low traffic volumes anticipated as a result of this project, widening of Silverado Trail for a left-

turn pocket will not be warranted. Since left-turn warrants will not be met at the driveway intersection with Silverado Trail, project impacts at nearby public road intersections such as Dunaweal Lane and Route 29 would be negligible due to project traffic being dispersed around the traffic network. While our transportation engineer anticipates that the project would not have a significant impact on traffic and circulation, he has concerns about the configuration of the driveway connection from Silverado Trail to the winery itself and these will need to be addressed by the applicant's representative.

4. Employee Housing Needs Mitigation- The facility is anticipated to employ a maximum of up to 2 full-time and two part-time employees. This increase in the number of jobs in the area is small compared to the other winery operations and nearby community businesses and would not meaningfully change the balance of housing and jobs in the Calistoga vicinity. According to ABAG Projections 2007, there were 2,770 jobs in the Calistoga area in 2005, and 2,450 employed residents. This does not include housing or employment associated with an estimated 125 separate parcels in the unincorporated area around Calistoga, most of which are agricultural that include at least one residence. Therefore, this increase in jobs will not contribute to a cumulatively considerable increase in the demand for housing units within Napa County and the general vicinity.

Housing demand associated with the projected increase in employment would also be insignificant however, a development impact fee (included as a project condition of approval) would provide funds for constructing affordable housing to help address the need for affordable housing in the County. This fee is charged to all new non-residential developments based on the gross square footage of nonresidential space. The resulting Affordable Housing Fund is made available for affordable housing projects throughout the County, including projects in Calistoga.

5. Fire Safety and Access Road Compliance with 2007 California Fire Code – The attached final comment from the Napa County Fire Marshall is provided which hopefully, will adequately address concerns 5 – 8 of your letter. Their comments are based on the use and occupancy as described in the project's use permit application as it applies to current regulations required by the *California Fire Code, 2007 edition* and the *National Fire Protection Standards*.

Please feel free to contact me should you have any questions or require further information. As requested, the City will be included on the mailing list for all public notices pertaining to the availability of environmental documents pursuant to the California Environmental Quality Act and any public hearings held before the County Planning Commission and/or Board of Supervisors. As a courtesy, please ensure that the County receives similar notices pertaining to large winery and commercial development in the City of Calistoga.

Respectfully,



Patricia Hornisher
Planner III

att: (2)
cc: Hillary Gitelman, Planning Director
John McDowell, Deputy Planning Director
Venge Winery
Michael Muelrath, P.E.
Chron file